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Diagnostics

To: Examiner Fax 703-872-9306
Daniel Leon Robinson

Copies:

From: Sujatha Subramaniam Roche Diagnostics Operations, Inc.
Tel. (317) 521-2851
Fax (317) 521-2883

Date: November 5, 2004

No. of pages: 19 (incl. cover sheet)

Re: U.S. Application No.: 09/810,635
Filed: March 16, 2001
Inventor(s): Martin Gerber et al.
Group Art Unit: 3742
Examiner: Daniel Leon Robinson
Atty Docket No.: WP 19306 US

RESPONSE TO FIRST OFFICE ACTION

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Commissioner for Patents, P.O. Box 1450,
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November 5, 2004

Date of Deposit

Karla Biedenmeister

Name of Person Mailing Correspondence

Signature

November 5, 2004

Date of Signature

WEMHH/SB/21 (6/04)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| | | | |
|---|----------------------|------------------------|-------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/810,635 | |
| | Filing Date | March 18, 2001 | |
| | First Named Inventor | Martin Gerber et al. | |
| | Art Unit | 3742 | |
| | Examiner Name | Daniel Leon Robinson | |
| Total Number of Pages in This Submission | 19 | Attorney Docket Number | WP 19306 US |

| ENCLOSURES (Check all that apply) | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/> | <input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|--|
| Firm or individual name | Sujatha Subramaniam, Reg. No. 48,739 Roche Diagnostics Operations, Inc. |
| Signature | <i>Sujatha Subramaniam</i> |
| Date | November 5, 2004 |

| CERTIFICATE OF TRANSMISSION/MAILING | |
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| Typed or printed name | Karla Biedenmeister |
| Signature | <i>Karla Biedenmeister</i> |
| Date | November 5, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL FOR FY 2004

Effective 01/01/2003, Patent fees are subject to annual revision.

Complete If Known

| | | |
|--|-------------|----------------------|
| Application Number | | 10/810,635 |
| Filing Date | | March 16, 2001 |
| First Named Inventor | | Martin Gerber et al. |
| Group Art Unit | | 3742 |
| Examiner Name | | Daniel Leon Robinson |
| Attorney Docket Number | | WP 19306 US |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | |
| Total Amount of Payment | (\$ 980.00) | |

METHOD OF PAYMENT

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

02-2958

Deposit
Account
Name

Roche Diagnostics Operations,
Inc.

The Commissioner is authorized to: (check all that apply)

- ☒ Charge fee(s) indicated below ☒ Credit any overpayments
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☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 1001 | 790 | 2001 | 395 | Utility Filing Fee | |
| 1002 | 350 | 2002 | 175 | Design Filing Fee | |
| 1003 | 550 | 2003 | 275 | Plant Filing Fee | |
| 1004 | 790 | 2004 | 395 | Reissue Filing Fee | |
| 1005 | 160 | 2005 | 80 | Provisional Filing Fee | |
| SUBTOTAL (1) | | | | | \$ 0 |

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee From Below | Fee Paid |
|--------------------|--------------|----------------|----------|
| | -20** = | X 18 = | |
| Independent Claims | -3** = | X 88 = | |
| Multiple Dependent | | | |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|---|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 88 | 2201 | 44 | Independent claims in excess of 3 |
| 1203 | 300 | 2203 | 150 | Multiple dependent claim, if not paid |
| 1204 | 88 | 2204 | 44 | **Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code | Fee (\$) | Small Entity Fee Code | Fee (\$) | Fee Description | Fee Paid |
|-----------------------|----------|-----------------------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner's Action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner's Action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 430 | 2252 | 215 | Extension for reply within second month | |
| 1253 | 980 | 2253 | 490 | Extension for reply within third month | 980 |
| 1254 | 1,530 | 2254 | 765 | Extension for reply within fourth month | |
| 1255 | 2,080 | 2255 | 1,040 | Extension for reply within fifth month | |
| 1401 | 340 | 2401 | 170 | Notice of Appeal | |
| 1402 | 340 | 2402 | 170 | Filing a brief in support of an appeal | |
| 1403 | 300 | 2403 | 150 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,370 | 2453 | 685 | Petition to revive - unintentional | |
| 1501 | 1,370 | 2501 | 685 | Utility issue fee (or reissue) | |
| 1502 | 490 | 2502 | 245 | Design issue fee | |
| 1503 | 660 | 2503 | 330 | Plant issue fee | |
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| 1807 | 50 | 1807 | 50 | Petitions related to provisional applications | |
| 1808 | 180 | 1808 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other Fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 980.00)

| | | | | | |
|-------------------|--|------------------|--|------------------|--|
| SUBMITTED BY | | Registration No. | | Telephone | |
| Name (Print/Type) | | 48,739 | | 317-521-2851 | |
| Signature | | Date | | November 5, 2004 | |

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FEE CALCULATION (continued)

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| | | | | | |
|-------------------|---------------------|------------------|------------------|---------------------------|--------------|
| SUBMITTED BY | | Registration No. | | Completes (if applicable) | |
| Name (Print/Type) | Sujatha Subramaniam | (Attorney/Agent) | 48,739 | Telephone | 317-521-2851 |
| Signature | | Date | November 5, 2004 | | |

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NOV 05 2004

Docket No. WP 19306 US

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of:
Martin Gerber et al.

Application No.: 109/810,635

Group No.: 3742

Filed: March 16, 2001

Examiner: Daniel Leon Robinson

For: SUBCUTANEOUS ANALYTE SENSOR

Mail Stop No Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Sir:

Responsive to the Office Action mailed May 13, 2004, Applicants respectfully request that the Examiner enter the following amendments. A Petition for Extension of Time for three (3) month(s) is submitted herewith.

Amendment to the Claims are reflected in the listing of the claims that begin on Page 2 of this paper.

Remarks begin on Page 11 of this paper; and

Conclusion begins on Page 13 of this paper.

CERTIFICATION UNDER 37 C.F.R. 1.8

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Karla Biedenmeister